IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.3249 of 2003

Between:

1. Mohd.Yusuf Shariff , S/o.Md.Azam Shareef,
   R/o.Tolichowki, Hyderabad.
2. Md.AbdulAdil, S/o.Md.AbduL Khaleem,
   R/o.Tilichowki, Hyderabad.
3. Afthab Ahmmad Qurishi, S/o.Iqbalk Qureshi,
   R/o.Tilichowki, Hyderabad.
4. Md.Jubeer Ahmmad, S/o.Akbar Abdulla Hafeez,
   R/o.Tilichowki, Hyderabad.

...PETITIONERS

AND

1. The Registrar for J.N.T.U, Hyderabad.

2. The Principal, Farah College of Engeering & Technology
   Chevella, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order/direction more particularly one in nature of writ of Mandamus declaring the orders of the JNTU university in Proc.No.AR/Exam/Malpracises/98 (CI) Dated 06.12.2002 and consequential order dated 03.02.2003 passed by the 2nd respondent debarring the petitioners for one year from appearing university Examinations and removing the names of the petitioners from the rolls of the college is illegal, arbitrary and against to the principles of natural justice and consequently direct the respondents to continue the petitioner in the college and allow them to write further examinations of engineering course of JNTU.

Counsel for the Petitioners: MR.P.GIRI KRISHNA

Counsel for the Respondent No.1: Sri C.KODANDA RAM

Counsel for the Respondent No.2: MR.S.SRIRAM

The Court made the following:

ORDER:

The four petitioners are the students of B.Tech in the second respondent college. They allegedly completed first year and were promoted to second year. On 29.11.2002 when they were appearing for the examination in Managerial Economics and Principles of Accountancy of first semester of second year, the invigilators found them copying from printed material. When they were confronted with foreign material in their possession, they allegedly admitted that they resorted to malpractice by copying in the examination. By that date, they had already completed examination in two papers. The petitioners alleged that the invigilators condoned their lapses and permitted them to appear for the subsequent examinations held on 02.12.2002, 04.12.2002 and 17.12.2002, after the petitioners gave an undertaking that they would not resort to malpractice in further examinations. When the matter was reported to the first respondent-University, JNTU, the matter was placed before the Malpractice Committee, which recommended to debar the petitioners for one year from appearing in the University examinations. As a consequence thereof, the second respondent passed orders on 03.02.2003 rusticating the petitioners from the college informing that they would be readmitted at the second semester of second year commencing in 2004. They were also informed that they would not be permitted to appear for University examinations including first year supplementary and second year semester supplementary examinations. The two orders referred to herein above are assailed in the present Writ Petition.

A counter-affidavit is filed by the Registrar of the University denying the petitioners' averments. It is stated that as per B.Tech Regulations, students to be eligible for promotion to first semester of third year has to procure 56 credits out of first year (regular), first year (supplementary) examinations and second year (regular) first semester examinations. The petitioners did not secure 56 credits and therefore, they cannot be permitted to the first semester examinations of third year. It is also stated that subject to outcome of the enquiry, the petitioners were permitted to write the examinations of the first semester of the second year and the same does not in any matter preclude the University from placing the matter before the Malpractice Committee which has imposed the punishment of debarring for one year.

Learned counsel for the petitioners submits that the respondents having permitted the petitioners to appear for the examinations held on 02.12.2002, 04.12.2002 and 07.12.2002 as well as for other backlog subjects of the first year, cannot be permitted to impose the punishment of debarring the petitioners for one year. I am afraid, I cannot agree with the submission. As rightly submitted by the learned standing counsel for JNTU, the petitioners were permitted by the invigilators and the college authorities, without knowledge of the University pending further enquiry into the matter. The same does not in any manner confer any right on the

petitioners to go Scott-free when they admittedly resorted to malpractice of copying in the examinations. The learned counsel for the petitioners has not raised any other contention. After perusing the material placed before me and giving anxious consideration to the case, I am convinced that the order passed by the first respondent is unexceptionable and the Writ Petition is devoid of merits.

The Writ Petition is accordingly dismissed.

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(V.V.S.RAO, J)

1st September 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Registrar, J.N.T.U, Hyderabad.
2. Two CD copies.